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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER
FERGUSON, MARISSA L

ART UNIT	PAPER NUMBER
2854	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/627,911	YIP, DOOGONG	
	Examiner	Art Unit	
	Marissa L. Ferguson-Samreth	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 19-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 19-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Funahashi (US Patent 3,478,682).

Regarding claim 1, Funahashi teaches a first marking structure (10) having a front surface adapted to print first ink onto an object, a rear surface and peripheral edges extending between said front and rear surfaces (Figure 3), second marking structure (10) having front surface adapted to print a second ink onto an object, rear surface and peripheral edges extending between front and rear surfaces of a second marking structure (Figure 3) and first and second marking structures being permanently assembled together so that least one said edges of said first marking structure opposes at least one of said edges of a second marking structure, wherein at least one of opposing edges has a non-porous surface for preventing migration of a first ink of a first marking structure with a second ink of a second marking structure (Column 3, Lines 20-27).

Regarding claim 2, Funahashi teaches wherein first and second marking structures comprise microporous foam (Column 2, Lines 16-20).

Regarding claim 4, Funahashi teaches a first ink that has a first color and a second ink that has a second color that is different than the first color (Abstract, Column 2, Lines 55-62 and Column 3, Lines 33-43).

Regarding claim 19, Funahashi teaches wherein the opposing edges of the first and second marking structures are in contact with one another (elements 8 and 10 are in contact with element 8, please refer to figure below for clarification).

Regarding claim 21, Funahashi teaches wherein a non-porous surface is integral with one of first and second marking structures (non-porous element 8 is in contact with first marking structure 10).

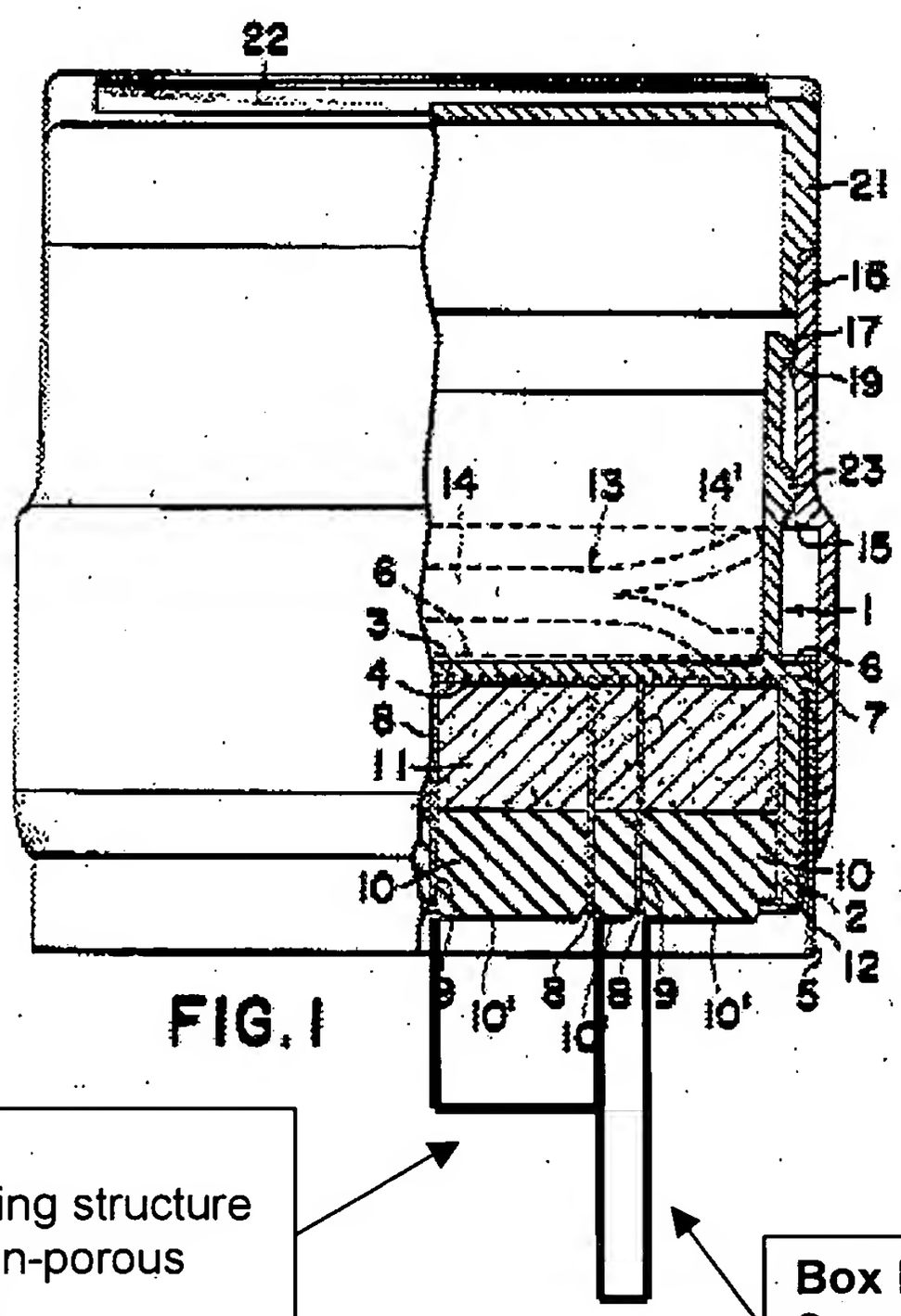

FIG. 1

Box A
First marking structure 10 with non-porous element 8.

Box B
Second marking structure 10.

Elements of Box A are in direct contact with element of Box B.

2. Claims 1,2, 4, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Yashoshima (US Patent 5,653,804).

Regarding claim 1, Yashoshima teaches a first marking structure (3) having a front surface adapted to print first ink onto an object, a rear surface and peripheral edges extending between said front and rear surfaces (Figures 1A-1C), second marking structure (3) having front surface adapted to print a second ink onto an object, rear surface and peripheral edges extending between front and rear surfaces of a second marking structure (Figures 1A-1C) and first and second marking structures being permanently assembled together so that least one said edges of said first marking structure opposes at least one of said edges of a second marking structure, wherein at least one of opposing edges has a non-porous surface for preventing migration of a first ink of a first marking structure with a second ink of a second marking structure (impermeable film 8, Column 5, Lines 29-33 and Column 3, Lines 60-64).

Regarding claim 2, Yashoshima teaches wherein first and second marking structures comprise microporous foam (Column 5, Lines 41-44).

Regarding claim 4, Yashoshima teaches a first ink that has a first color and a second ink that has a second color that is different than the first color (Abstract, Column 1, Lines 29-30).

Regarding claim 19, Yashoshima teaches wherein the opposing edges of the first and second marking structures are in contact with one another (please refer to figure on page 5).

Regarding claim 21, Yashoshima teaches wherein a non-porous surface is integral with one of first and second marking structures (non-porous element 8 is integral with first marking structure 3).

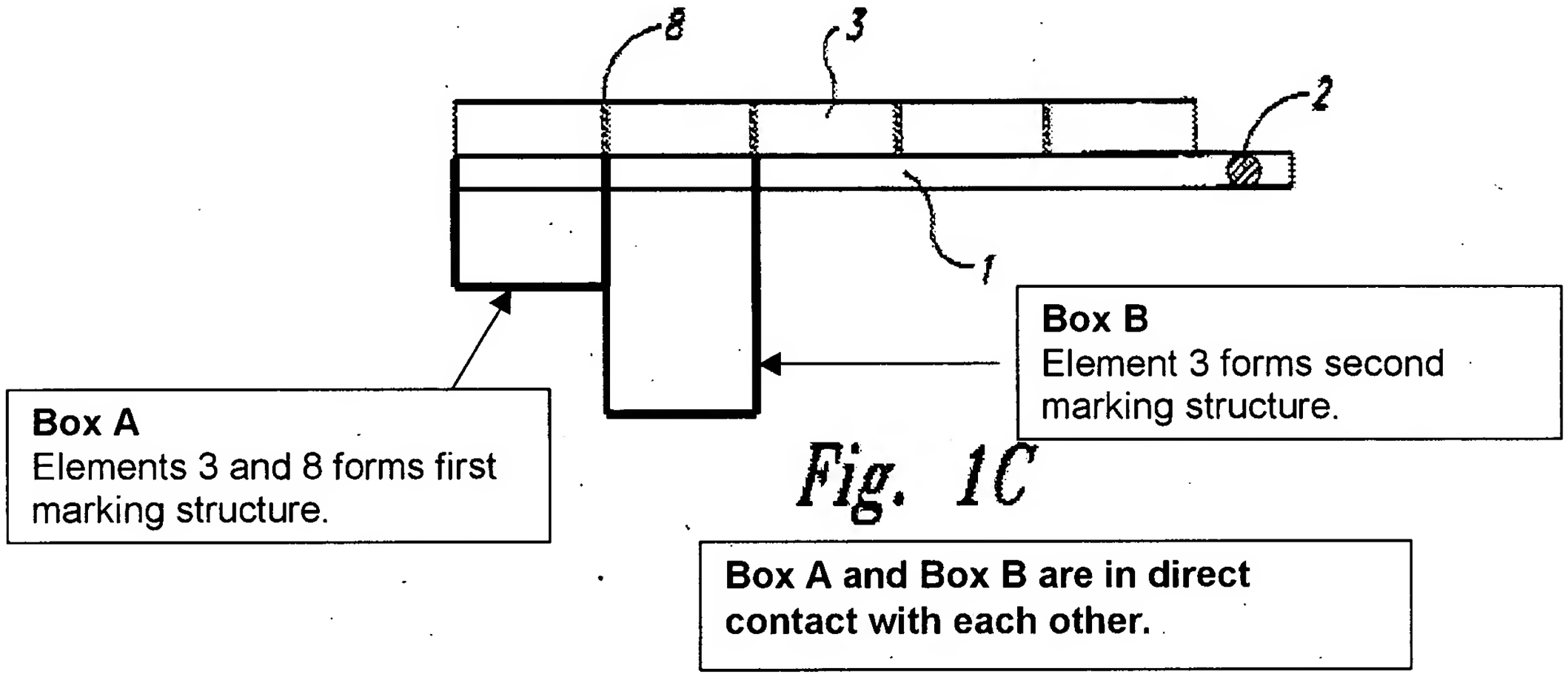

Fig. 1C

3. Claims 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikura et al. (US Patent 3,988,987).

Regarding claim 7, Ikura et al. teaches a first marking structure (element 11 on left side of figure 3) having a front surface adapted to print ink (Column 2, Lines 60-66) onto an object, a rear surface and peripheral edges extending between front and rear surfaces of a first marking structure, wherein at least one of the peripheral edges of a first marking structure that has a first pattern (element 6 and Figure 3), a second marking structure (element 11 on right side of figure 3) having a front surface adapted to print ink (Column 2, Lines 60-66) onto an object, rear surface and peripheral edges extending between said front and rear surfaces of said second marking structure,

wherein at least one of the peripheral edges of a second marking structure has second a pattern that matches the first pattern (element 5 and figure 3) and wherein first and second marking structures being assembled together with the first patterned peripheral edge of said first marking structure interlocking (Column 2, Lines 30-40) with the second patterned peripheral edge of said second marking structure that said first and second marking structures can be assembled together only one configuration (Figure 3).

Regarding claim 9, Ikura et al. teaches first and second marking structures comprising foam (Column 2, Lines 21-27 and Column 4, Lines 53-57).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Funahashi (US Patent 3,478,682) in view Fletcher et al. (US Patent 6,119,596).

Funahashi et al. teaches the claimed invention, however he does not explicitly disclose a pre-inked marking structure and a mixture of thermoplastic resin/ink. Fletcher et al. teaches a stamp that discloses a pre-inked marking structure (Abstract) that includes a mixture of thermoplastic resin/ink (Column 1, Lines 21-26). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Funahasi et al. to include a pre-inked

marking structure with a mixture of thermoplastic resin/ink as taught by Fletcher et al., since Fletcher et al. allows the ink to escape at a controlled rate within the marking structure.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Funahashi (US Patent 3,478,682) in view of Imamaki et al. (US Patent 6,000,335).

Funahashi teaches the invention claimed with the exception of at least one edge that is exposed to a light source. Imamaki et al. forms a non-porous surface by applying a light source heat that melts the microporous stamping member (Column 3, Lines 55-63). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Funahashi to include a heating source as taught by Imamaki et al., since Imamaki et al. forms a non-porous surface in order to provide an impermeable portion to retain the ink within the stamping structure.

6. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikura et al. (US Patent 3,988,987) in view of Funahashi (US Patent 3,478,682).

Ikura et al. teaches the claimed invention, however he does not explicitly disclose non-porous surfaces for preventing ink migration between said first and second marking structures and wherein said first marking structure carries an ink of a first color and a second marking structure that carries an ink of a second color that is different than the first color. Funahashi discloses a stamp that that teaches partition plates (8) and ink absorbers and rubber blocks of different colors (Column 2, Lines 54-62). It would have been obvious at the time the invention was made to a person having ordinary skill in the

art to modify the invention as taught by Ikura et al. to include a non-porous surface and marking structures of different colors as taught by Funahashi, since Funahashi prevents the inks from mixing and assuring a perfectly clear stamping of letters of desired colors and to further provide a vivid multi-colored stamping operation.

7. Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikura et al. (US Patent 3,988,987) in view of Fletcher et al. (US Patent 6,119,596).

Ikura et al. teaches the claimed invention, however he does not explicitly disclose a pre-inked marking structure and a mixture of thermoplastic resin/ink. Fletcher et al. teaches a stamp that discloses a pre-inked marking structure (Abstract) that includes a mixture of thermoplastic resin/ink (Column 1, Lines 21-26). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Ikura et al. to include a pre-inked marking structure with a mixture of thermoplastic resin/ink as taught by Fletcher et al., since Fletcher et al. allows the ink to escape at a controlled rate within the marking structure.

8. Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikura et al. (US Patent 3,988,987) in view of Imamaki et al. (US Patent 6,000,335).

Ikura et al. teaches the invention claimed with the exception of at least one edge that is exposed to a light source. Imamaki et al. forms a non-porous surface by applying a light source heat that melts the microporous stamping member (Column 3, Lines 55-63). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention as taught by Ikura et al. to include a heating source as taught by Imamaki et al., since Imamaki et al. teaches that is

advantageous to provide a light source for properly melting the structure of the stamping member.

9. Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikura et al. (US Patent 3,988,987) in view of Williamson (US Patent 3,446,143).

Ikura et al. teaches the claimed invention with the exception of interlocked patterned peripheral edges of marking structures comprised of foam. Williamson teaches two stamp sections (7,8) with peripheral patterned edges comprised of foam padding (14). It would have been obvious to one of ordinary skill in the art to modify Ikura by making each frame 3 and corresponding retaining members 11 a single piece, since Williamson teaches that a single piece is desirable and one of ordinary skill in the art would recognize that such a modification would simplify the device of Ikura. Furthermore, it would be obvious to one of ordinary skill in the art to make the single member from foam since Williamson teaches that foam is desirable for accepting ink.

10. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikura et al. (US Patent 3,988,987) in view of Funahashi (US Patent 3,478,682).

Ikura et al. teaches the claimed invention including an interlocked structure with non-porous peripheral edges, however he does not explicitly disclose one of the peripheral edges that has a non-porous and the other peripheral edge is porous surface. Funahasi teaches porous members (10) with edges and non-porous side edge members (8). It is obvious that in order to prevent migration from one marking structure to another that one edge at least has to be non-porous. It would have been

obvious at the time the invention as taught by Ikura et al. to include a porous and non-porous edge as taught by Funahashi, since Funahashi teaches that it is advantageous to manufacture a low cost stamp that performs the same function.

Response to Arguments

Claims 1, 2 and 4 are properly rejected under 35 U.S.C. 102(b) as being anticipated by Funahashi.

On page 10 of the brief, applicant argues, "Funahashi does not teach at least one of said opposing edges [of a marking structure] has a nonporous surface". These arguments are not sufficient to overcome the 102(b) rejection of the claims.

With respect to applicant's arguments, Funahashi teaches stainless steel partition plates (8) that prevent the mixing of ink. The examiner notes that the plates (8) are the non-porous surface at the edges of the marking structure. Although, Funahashi teaches that the plates 8 are separable from the rest of the marking structures, it is the offices position that plates 8 are part of the marking structures. Furthermore, the examiner has added a rejection using Yashoshima, which shows a non-porous structure fixedly attached to the rest of the marking structure.

Claims 7 and 9 are properly rejected under 35 U.S. C. 102(b) as being anticipated by Ikura et al.

With respect to claim 7, on page 12 of the brief, applicant argues, "Ikura et al. does not teach first and second marking structures that can be assembled together in

only one configuration". Also, Appellant argues, "Ikura et al. teaches stamp elements that can be assembled in more than one configuration".

With respect to Appellant's arguments, the examiner notes and agrees that the stamp of Ikura et al. can be assembled in different configurations as discussed in the final rejection. However, the intent remains that in the operational state at a given time the stamp is in one configuration. Also, the examiner notes that Ikura teaches mating edges that hold the stamp in only one configuration thereby teaching the claimed limitation.

Claim 20 is rejected under 35 U.S.C. 103(a) as being anticipated by Ikura et al. in view of Imamaki et al.

On page 14 of the brief, applicant argues, "Funhashi teaches a steel plate..... Ikura discloses a plastic frame.....the nonporous surfaces do not comprise melted microporous foam." These arguments are not sufficient to overcome the 103(a) rejection of the claims. The argument is moot since the examiner has not suggested that Funahashi or Ikura et al. teaches the feature. Rather, the feature is taught by Imamaki et al.

With respect to claims 22 and 24, applicant's arguments are sufficient to overcome the rejections of these claims. Please note, new rejections have been provided.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L. Ferguson-Samreth whose telephone number

is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson-Samreth
Examiner
Art Unit 2854

MFS
May 4, 2006

ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800